

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the Los Angeles to Pasadena Metro Blue Line Construction Authority for an order authorizing the construction of two light rail transit tracks at-grade crossing West Avenue 45 in the City and County of Los Angeles, California.

Application 00-10-012
(Filed October 11, 2000)

And Related Matters.

Application 01-06-011
Application 00-11-050
Application 00-11-040
Application 00-11-034
Application 00-11-033
Application 00-11-032
Application 00-11-029
Application 00-11-016
Application 00-11-015
Application 00-10-050
Application 00-10-039
Application 00-10-033
Application 00-10-020

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING NOBLAG LEAVE TO FILE A SWORN DECLARATION
SETTING FORTH FACTUAL INFORMATION RELATING
TO THE IMPACT ON SAFETY OF THE DEL MAR COMPLEX**

By a motion dated December 27, 2001, Citizens Against the Blue Line At-Grade (NOBLAG) asked for further evidentiary hearings on the effect of newly approved construction on the safety of the proposed at-grade crossing at

Del Mar Blvd. NOBLAG attached an article from the Pasadena Star-News dated December 21, 2001 announcing the determination of the local Zoning Hearing Officer granting variances from zoning regulations. According to the article, appended to the motion as Exhibit A, this is the “biggest hurdle” to final authorization by the city. Exhibit B to the motion shows two illustrations said to represent the new construction in relation to the proposed Del Mar at-grade crossing.

As an alternative to formal evidentiary proceedings, NOBLAG proposes that it be permitted to present a sworn declaration explaining the safety considerations arising from the proposed construction.

In its response dated January 11, 2002, the Los Angeles to Pasadena Metro Blue Line Construction Authority (Applicant) opposes the motion. It claims that safety evidence proposed by NOBLAG, including the effect of construction on sight lines, was available for presentation during the normal hearings and should have been offered at that time.

It is certainly true that NOBLAG was aware of the proposed construction. It had been mentioned by NOBLAG in pleadings and by testimony. Nonetheless, the construction has now moved from proposals and possibilities to near reality. The safety effects of this construction must be considered in determining whether to grant the application as requested by Applicant.

Opening briefs in the consolidated matter are set for February 7, 2002, with responsive briefs due on February 25, 2002. The filing date for the declaration will be February 1, 2002 and for responses will be February 11, 2002. This will permit review by the parties and allow for consideration of the material in their briefs without delaying the final decision.

IT IS RULED that:

1. Citizens Against the Blue Line At-Grade (NOBLAG) is allowed to present a sworn declaration on the effect of the Del Mar apartment complex, as approved by the Zoning Hearing Officer, on the safety of the proposed at-grade crossing at Del Mar Blvd. This declaration may include diagrams or other visual representations.

2. The declaration of NOBLAG shall be received by the Commission no later than Monday, February 1, 2002.

3. Responses to the declaration shall be received by the Commission no later than Monday, February 11, 2002.

Dated January 18, 2002, at San Francisco, California.

/s/ SHELDON ROSENTHAL
Sheldon Rosenthal
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting NOBLAG Leave to File a Sworn Declaration Setting Forth Factual Information Relating to the Impact on Safety of the Del Mar Complex on all parties of record in this proceeding or their attorneys of record.

Dated January 18, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074,

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TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.